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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 KEVIN E. CHAMBERS,

12 Plaintiff,

13 v.

14 INTERNATIONAL FIDELITY
15 INSURANCE COMPANY, an Entity of
Unknown Form; and DOES 1-20

16 Defendants.
17
18
19

CASE NO. C-08-02994 MHP

**STIPULATION TO CONTINUE
HEARING ON ORDER TO SHOW
CAUSE WHY THE ACTION SHOULD
NOT BE DISMISSED WITH
PREJUDICE; ~~PROPOSED~~ ORDER
THEREON**

Date: November 24, 2008

Time: 4:00 p.m.

Courtroom 15, 18th Floor

PROPOSED NEW DATE: January 5, 2009

20 IT IS HEREBY STIPULATED by and between Plaintiff, Kevin E. Chambers
21 ("Plaintiff"), and Defendant, International Fidelity Insurance Company ("Defendant"), through
22 their respective attorneys of record herein, as follows:

23 1. The Court set an Order to Show Cause hearing for Monday, November 24, 2008,
24 at 4:00 p.m. in Courtroom 15 of the District Court, 18th Floor.

25 2. On Tuesday, November 18, 2008, Plaintiff's counsel, Charles R. Gossage,
26 contacted the Court's Calendaring Clerk, Anthony Bowser, and informed Mr. Bowser that a
27 family medical matter required his personal attendance on November 24-25, 2008 and that he
28 would be unable to personally attend the hearing.

1 3. Mr. Bowser advised Mr. Gossage that if the parties' counsel stipulated to a
2 continuance of the OSC hearing, the hearing would be continued to January 5, 2009, the next
3 available date on the Court's calendar.

4 4. Mr. Gossage thereafter contacted Defendant's counsel, Messrs. Blackburn and
5 Sommer of Epstein Becker & Green, P.C., advising them of his personal circumstances, and
6 representing to them what transpired in his conversation with the Court's Calendaring Clerk, Mr.
7 Bowser, regarding the continuance.

8 5. Defendant's counsel graciously stipulated to a continuance of the OSC hearing to
9 January 5, 2009.

10 IT IS HEREBY STIPULATED that the OSC hearing scheduled for November 24, 2008 is
11 continued to January 5, 2009.

12 Dated: November 19, 2008

By: 

Charles R. Gossage
Attorney for Plaintiff
Kevin E. Chambers

15 Dated: November 19, 2008

EPSTEIN, BECKER & GREEN, P.C.

17 By: /s/ Andrew J. Sommer

Steven R. Blackburn
Andrew J. Sommer
Attorneys for Defendant
International Fidelity Insurance Company

20 **IT IS ORDERED THAT** the OSC hearing scheduled for November 24, 2008 is
21 continued to **January 5, 2009** at 3:00 p.m.

23 Dated: 11/20/2008



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My business address is One California Street, 26th Floor, San Francisco, California 94111-5427.
3. I served copies of the following documents (specify the exact title of each document served):

**STIPULATION TO CONTINUE HEARING ON ORDER TO SHOW CAUSE
WHY THE ACTION SHOULD NOT BE DISMISSED WITH PREJUDICE;
[PROPOSED] ORDER THEREON**

4. I served the documents listed above in item 3 on the following persons at the addresses listed:

Charles R. Gossage, Esq.	<i>Attorney for Plaintiff</i>
31441 Santa Margarita Parkway, Suite	Kevin E. Chambers
A260	
Rancho Santa Margarita, CA 92688	

5. a. ☐ **By personal service.** I personally delivered the documents on the date shown below to the persons at the addresses listed above in item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.
- b. ☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and (*specify one*):
 - (1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid on the date shown below, or
 - (2) ☒ placed the envelope for collection and mailing on the date shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.
- c. ☐ **By overnight delivery.** I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

- d. ☐ **By messenger service.** I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in item 4 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this proof of service or be contained in the Declaration of Messenger below.)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents on the date shown below to the fax numbers of the persons listed in item 4. No error was reported by the fax machine that I used. A copy of the fax transmission, which I printed out, is attached.
- f. ☐ **By e-mail or electronic transmission.** Based on an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent on the date shown below to the e-mail addresses of the persons listed in item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.

6. I served the documents by the means described in item 5 on *(date)*: November 19, 2008

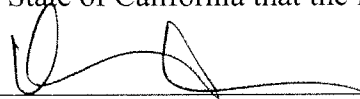
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

11/19/08

DATE

Virginia Li

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

DECLARATION OF MESSENGER

- ☐ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 4. I delivered the documents on the date shown below to the persons at the addresses listed in item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.

At the time of service, I was at least 18 years of age. I am not a party to the above referenced legal proceeding.

I served the envelope or package, as stated above, on *(date)*: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)